

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCC NON FERROUS TRADING INC.,
Plaintiff,

- against -

AGCS MARINE INSURANCE COMPANY,
Defendant.

Civil No. 14-CV-8302 (JCF)

**PLAINTIFF'S NOTICE OF MOTION FOR SUMMARY JUDGMENT ON ALLIANZ'
DEFENSES REGARDING THEFT WITH FRAUDULENT INTENT AND THE
"INFIDELITY" EXCLUSION**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Joshua Gold, sworn to on January 26, 2015, and the exhibits attached thereto; the accompanying Affidavit of Brian Kim, sworn to on January 26, 2015, and the exhibits attached thereto; the accompanying Memorandum of Law in support of this motion; the accompanying Local Rule 56.1 Statement of Undisputed Facts; and the pleadings herein, plaintiff MCC Non Ferrous Trading Inc. will move this Court before the Honorable James C. Francis, United States Magistrate Judge, for an order pursuant to this Court's December 19, 2014 Order (Doc. 17) and Fed. R. Civ. P. 56: (i) granting summary judgment on Allianz' Defenses regarding theft with fraudulent intent and the "Infidelity" Exclusion, and (ii) granting such other and further relief as this Court deems just and proper.

Dated: January 26, 2015
New York, New York

ANDERSON KILL P.C.

By: /s/ Dennis J. Nolan

Joshua Gold

jgold@andersonkill.com

Dennis J. Nolan

dnolan@andersonkill.com

1251 Avenue of the Americas

New York, NY 10020

Telephone: (212) 278-1000

Facsimile: (212) 278-1733

Attorneys for Plaintiff

MCC Non Ferrous Trading Inc.